



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

16459 RCE
JFW PATENT APPLICATION

In re: PATENT APPLICATION of:

Inventor: Henry C. LIN et al.

Appr. No.: 09 374,142

Group Art Unit 1645

Examiner: Mark Navarro

Atty. Dkt. 0306895 Lin et al.

Series Code ↑ Serial No. ↑

Filed: August 11, 1999

Title: **METHODS OF DIAGNOSING OR
TREATING IRRITABLE BOWEL
SYNDROME AND OTHER DISORDERS
CAUSED BY SMALL INTESTINAL
BACTERIAL OVERGROWTH**R
RCE
E**DO NOT USE FOR PROVISIONAL,
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APPLICATIONS, OR REEXAMINATION OF
PATENTS**

Mail Stop RCE

Hon. Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Date: June 4, 2004

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

Please continue the examination of this application.

PREREQUISITESThis application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.An issue fee **has not been** paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).**Prosecution has been closed as defined in Rule 114(b).****Reply to any outstanding action must be enclosed or previously filed.**

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☒ enter ☐ do not enter the Amendment filed
2. ☒ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed ___ and reply brief filed
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement
☐ IDS Letter ☐ Cited Appln ☐ Foreign Search Report/OA
☐ PTO-1449 ☐ Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of ___ months (3 mos. Max) for which charge the required \$130 fee (fee code 1808) to our Deposit Account (see below).
7. Petition is hereby made to extend the original due date of March 4, 2003 to cover (1 mo) \$110/\$55
the date this Request is filed. PLEASE CHARGE the requisite fee to our (2 mos) \$420/\$210 + 475
Deposit Account (see below) (3 mos) \$950/\$475
8. Enclosed is a check for the Rule 17(e) (RCE) filing fee of ☐ \$770 (lg. ent.) ☒ \$385 (sm. ent.)
Please charge any deficiency to our Deposit

Account No. 16-1805 under Order No. 081476 / 0306895

06/09/2004 DEMMANU1 00000151 09374142

C# M#

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NOTE: Rule 17(e) filing fee Cannot be deferred!
NO CLAIMS FEE REQUIRED unless you are
adding claims by box 2 Amendment in which case
cover this with PAT-120.Pillsbury Winthrop LLP
Intellectual Property Group725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017-5406

By Atty:

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81476-306895
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Henry C. LIN *et al.*

Serial No.: 09/374,142

Filed: August 11, 1999

For: *METHODS OF DIAGNOSING OR
TREATING IRRITABLE BOWEL
SYNDROME AND OTHER DISORDERS
CAUSED BY SMALL INTESTINAL
BACTERIAL OVERGROWTH*

Art Unit: 1645

Examiner: Mark Navarro

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

June 4, 2004

Date of Deposit

Seth D. Levy, Reg. No. 44,869

Name _____

Signature

6/4/2004

Date _____

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

This is in response to the Office Action mailed December 4, 2003 (“Office Action”) in connection with the above-identified application. This response is being filed together with a request for a three (3) month extension of time, under 37 C.F.R. § 1.136(a), and the requisite fee, under 37 C.F.R. § 1.17(a)(3). Further, in view of the Request for Continued Examination filed under 37 CFR § 1.114, which is attached hereto, please enter and consider the following amendment and remarks.